

APR. 8. 2005 5:16PM

FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

NO. 2603 P. 5/13

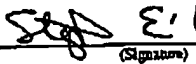
APR 8 2005

Atty. Dkt. No.: SALK1590-3 (088802-2454)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Heinemann et al.  
Title: NEURONAL NICOTINIC  
ACETYLCHOLINE RECEPTOR  
COMPOSITIONS  
Appl. No.: 09/580,462  
Filing Date: 5/26/2000  
Examiner: John D. Ulm  
Art Unit: 1646  
Conf. No. 2034

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

Stephen E. Reiser, Reg. No. 31,192  
(Printed Name)  
  
(Signature)  
April 8, 2005  
(Date of Deposit)

**AMENDMENT AND REPLY UNDER 37 CFR 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Final Office Action dated February 3, 2005, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this communication.

Remarks begin on page 4 of this document.

APR. 8. 2005 5:15PM

FOLEY 8587926773

NO. 2603 P. 1/13

**FOLEY**

RECEIVED  
CENTRAL FAX CENTER

APR 8 2005

FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

11260 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

Total # of Pages 13 (including this page)

TO:	PHONE #:	FAX #:
Examiner J. Ulm, Group Art Unit 1646 Commissioner for Patents	(571) 272-0880	(703) 872-9306

From : Stephen E. Reiter <i>SR</i>
Email Address : sreiter@foley.com
Sender's Direct Dial : 858.847.6711
Date : April 8, 2005
Client/Matter No : SALK1590-3 (088802-2454)
User ID No : 1877

### MESSAGE:

Re: U.S. Patent Application No. 09/580,462

Following are:

- 1) Amendment Transmittal (3 pgs.)
- 2) Amendment and Reply Under 37 CFR 1.11 (9 pgs.)

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

APR. 8. 2005 5:16PM FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

APR 08 2005

NO. 2603 P. 2/13

Atty. Dkt. No. SALK1590-3 (088802-2454)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Heinemann et al.

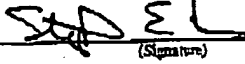
Title: NEURONAL NICOTINIC  
ACETYLCHOLINE RECEPTOR  
COMPOSITIONS

Appl. No.: 09/580,462

Filing Date: 05/26/2000

Examiner: J. Ulm

Art Unit: 1646

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Stephen E. Reiter (Printed Name)   (Signature)  April 8, 2005 (Date of Deposit)
---

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	8	-	27	=	0	x	\$50.00	=	\$0.00
Independent Claims:	3	-	14	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									\$0.00

In re application of  
Heinemann et al.  
Application No.: 09/580,462  
Page 2 of 3

Atty. Dkt. No. SALK1590-3 (088802-2454)

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
TOTAL FEE:		\$0.00

- ☐ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

- ☐ A check in the amount of \$0.00 is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of  
Heinemann et al.  
Application No.: 09/580,462  
Page 3 of 3

Atty. Dkt. No. SALK1590-3 (088802-2454)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: April 8, 2005

By



FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192